

LaMonica Herbst & Maniscalco, LLP  
3305 Jerusalem Avenue, Suite 201  
Wantagh, New York 11793  
Telephone: 516-826-6500  
Gary F. Herbst, Esq.  
Scott L. Fleischer, Esq.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

INDHIRA G. RAMIREZ,

Case No.: 12-12467 (SMB)

Debtor.  
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**APPLICATION OF THE TRUSTEE TO EMPLOY DAVID R. MALTZ & CO., INC.  
AS BROKER TO SELL THE DEBTOR'S REAL PROPERTY**

Gregory Messer, Esq., the Chapter 7 Trustee (the “**Trustee**”) of the bankruptcy estate of Indhira G. Ramirez (the “**Debtor**”), by his attorneys, LaMonica Herbst & Maniscalco, LLP, hereby seeks the entry of an Order authorizing the retention of David R. Maltz & Co., Inc. (“**Maltz**”) as broker to the Trustee, under 11 U.S.C. § 327(a) and Rule 2014 of the Federal Rules of Bankruptcy Procedure, to sell the Debtor’s interest in the real property located at 11 Rainbow Court, Middle Island, New York 11953, designated section 378.00 block 03.00, lot 48.006 on the Land and Tax map of Suffolk County (the “**Real Property**”), and respectfully sets forth the following:

**BACKGROUND**

1. On June 6, 2012 (the “**Filing Date**”), the Debtor filed a voluntary petition for relief pursuant to Chapter 7 of Title 11 of the United States Code (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the Southern District of New York.

2. By Notice of Appointment, Gregory M. Messer, Esq. Notice of Appointment, Gregory Messer, Esq. was appointed interim Trustee and has since, by operation of law, duly qualified as the permanent Trustee of the Debtor’s estate.

3. On November 17, 2014, the Trustee filed an application a Motion to sell the Real Property [See Dkt No. 59].

#### **THE TRUSTEE'S APPLICATION**

4. The Trustee believes that the retention of a broker is in the best interest of the estate in order to sell the Real Property rapidly and in an efficient manner. The Trustee further believes that the retention of Maltz will assist the Trustee in obtaining the highest and best offer for the Real Property. The Trustee believes that Maltz has extensive experience and expertise in selling similar property.

5. The Trustee and his counsel have contacted Maltz and believe that the retention of Maltz is in the best interests of the creditors and this estate.

6. To the best of the Trustee's knowledge, information and belief, Maltz has no connection with the Debtor's creditors or with any other party in interest herein, their attorneys or accountants. Upon the annexed affidavit of Richard Maltz (the "**Affidavit**"), Maltz represents that it has no adverse interest to the estate and will provide valuable services for the Trustee in connection with the sale of the Real Property.

7. Maltz has agreed to accept commissions, in the form of a buyer's premium, in the amount of five percent (5%), inclusive of expenses, of the gross sale price of the Real Property, which amount shall be added to the amount of the sales price and payable by the purchaser of the Real Property. Payments to Maltz shall be paid after the filing of an application with the Court, which application shall be on notice to all known creditors of this estate and the Office of the United States Trustee.

8. No prior application has been made to this or any other Court for the relief requested herein.

9. For all of the foregoing reasons, the Trustee believes that the retention of Maltz is in the best interest of the estate and its creditors, and should be approved by the Court.

**WHEREFORE**, the Trustee requests that this Court enter an order authorizing the Trustee to employ Maltz as the broker to the estate on the terms and conditions set forth herein.

Dated: November 21, 2014  
Wantagh, New York

**LaMonica Herbst & Maniscalco, LLP**  
Attorneys for the Trustee

By: s/ Gary F. Herbst  
Gary F. Herbst, Esq.  
3305 Jerusalem Avenue  
Wantagh, NY 11793  
(516) 826-6500